

Ken

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

FILED

DEC 09 2022

MBH

THOMAS G. PRUTON
CLERK, U.S. DISTRICT COURT

Christopher A. Kincaid

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

Case No: 22-cv-50252
(To be supplied by the Clerk of this Court)

D. Fulton

C. Cook

John Doe #1

Jerry Catt

C. Weirema or C. Wierema

"See Attached" #1 of #1

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

AMENDED COMPLAINT

 **COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)**

✓ **COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)**

 OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

'Attached to page #1' #1 of #1

Avery

Bergami

S. Madden

J. Graham

D. Gonzales, Jr.

Colette Peters

John Doe #2

C. Bungard

T. Kirkpatrick

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

I. Plaintiff(s):

- A. Name: Christopher A. Kincaid
- B. List all aliases: None
- C. Prisoner identification number: 36292-007
- D. Place of present confinement: Oklahoma Transit Center
- E. Address: P.O. Box 898801 Oklahoma City, OK 73189-8801

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In **A** below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in **B** and **C**.)

- A. Defendant: D. Fulton
 Title: Correctional Officer
 Place of Employment: AUSP Thomson
- B. Defendant: C. Cook
 Title: Correctional Officer
 Place of Employment: AUSP Thomson
- C. Defendant: John Doe #1
 Title: Lieutenant
 Place of Employment: AUSP Thomson

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

'See Attached' # through #2

"Attachment to Page #2" #1 of #2

D. Defendant: Jerry Catt

Title: Physician

Place of Employment: AUSP Thomson

E. Defendant: C. Weirema or C. Wierema

Title: Registered Nurse

Place of Employment: AUSP Thomson

F. Defendant: Avery

Title: Captain

Place of Employment: AUSP Thomson

G. Defendant: Bergami

Title: Warden

Place of Employment: AUSP Thomson

H. Defendant: S. Madden

Title: Correctional Officer

Place of Employment: AUSP Thomson

I. Defendant: J. Graham

Title: Counselor

Place of Employment: AUSP Thomson

"Attachment to page #2" #2 of #2

J. Defendant: D. Gonzales, Jr.

Title: Complex Warden

Place of Employment: AUSP Thomson

K. Defendant: Colette Peters

Title: Federal Bureau of Prisons Director

Place of Employment: Department of Justice

L. Defendant: John Doe #2

Title: North Central Regional Director

Place of Employment: North Central Regional Office

M. Defendant: C. Bungard

Title: Registered Nurse

Place of Employment: AUSP Thomson

N. Defendant: T. Kirkpatrick

Title: Correctional Officer

Place of Employment: AUSP Thomson

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: Civil Action; 22-CV-04510
- B. Approximate date of filing lawsuit: November 8, 2022
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Christopher A. Kincaid
- D. List all defendants: United States of America
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): 3rd Circuit Court; 3rd District Federal Court
- F. Name of judge to whom case was assigned: Judge John R. Padova
- G. Basic claim made: The Whole Federal Bureau of Prisons is/ are trying to Kill me, by staging fights and poisoning my food. And not giving me any medical help. They are torturing me.
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): The case is still pending. But I just wrote the judge and told him to dismiss that Law Suit because I did not want to file a Civil Action.
- I. Approximate date of disposition: None

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

1. Facts of this Bivens Action.

A. I was locked up at AUSP Thomson, in Illinois on 12-8-21. That's a Federal Prison. I was assaulted on three separate occasions on 12-8-21. All three assaults was while I was still in hand cuffs.

B. The first assault was by my celly K. Mac inside my cell # F-228; in F-2 unit. At 8:00 A.M. He busted my lip. And I got my lip stitched up by Jerry Catt for that assault later that day.

C. The second assault was by C.O.C. Cook right after the first one. When he came inside the cell and punched me on the right side of my head and knocked me unconscious.

D. The third assault was after C.O.C. Cook and C.O. D. Fulton escorted me inside the handicap shower with

the letter D on the door. Inside F-2 Unit. Right after the first two assaults.

E. After C.O.C. Cook and C.O.D. Fulton cleaned the mace off my face. They both lifted me higher than the door way. C.O. C. Cook had me by my ankles. And C.O. D. Fulton palmed the back of my head, while holding me up by my chest with his left hand. On the count of three; C.O.D. Fulton slammed my forehead down to the concrete floor and Knocked me unconscious. My face was fractured also in that assault. The shower is a blind spot where no camera can see. So there is no recording of my third assault.

F. C.O.C. Cook and C.O.D. Fulton assaulted me inbetween my first assault by my celly K. Mac, but before I was seen by medical. My celly assaulted me at 8:00 A.M. And medical seen me at 8:41 A.M. I was assault two times inbetween 8:00 A.M. and 8:41 A.M. And there was no portible camera man watching the C.O.'s handling me inside the shower. And by BOP Policy staff has to dechemicalize a inmate after he is maced. A inmate can not dechemicalize his self.

See Attachments #1 through #16.

'Attachment to page #5' #1 of #16

G. When I woke up on the floor, C.O.D. Fulton was gone out of the unit F-2 and C.O.C. Cook panicked and lifted me to my feet and went out of the shower and uncuffed me.

H. I was very dizzy for a long time. And C.O.C. Cook was just looking at me. Then C.O.D. Fulton came back and stood next to C.O.C. Cook. C.O.C. Cook then told C.O.D. Fulton that I only have a concussion. And he said that he is sure because he had one before.

I. C.O.C. Cook and C.O.D. Fulton waited until I was fully conscious again, before they left F-2 Unit to go get me medical help.

J. Now, C.O.C. Cook and C.O.D. Fulton did not tell medical about my second and third assaults that were committed by them. Like they should have by BOP- Policy. Or that I may have a serious head injury. Because they would lose their jobs.

K. Medical did not see me unconscious or assaulted the extra two times. So, they would not address my head injuries by sending me out to a outside hospital for a (MRI) CAT Scan. Or event

'Attachment to page #5' #2 of #16
report the head injuries at all. Or the lost of consciousness.

L. I had constant nose bleedings for four months straight. And still have them from time to time. And my head aches never went away. It FEEL's like I was just slammed on my head again some times. I could have a tumor growing in my head right now.

M. And nothing is being done because all the staff named in this action are conspiring for the cover-up, to save these C.O.'s jobs. I told all of them personally or through the mail. And nothing was ever done.

N. On 1-5-22. I was ambushed at the shower in F-2 Unit by C.O.C. Cook and C.O.D. Fulton. Both C.O.'s threatened that I better keep their names out of my mouth or else I will not make it out of Thomson USP alive. Then C.O.C. Cook came back to F-2 Unit later and told all of the black inmates my name and cell number. And that I am a child rapist. Event though I don't have a child rape charge. The C.O.'s screamed and hollared that they did not come inside the Shower with me on 12-8-21 to. They both lied.

O. C.O.C. Cook told my celly K. Mac to assault

'Attachment to page #5' #3 of #16
me while I am still in hand cuffs because I am
a sex offender. C.O.C. Cook gave my celly K. Mac a
job at Big Sandy USP. My celly told me so.
And after my cellies assault C.O.C. Cook and C.O.
D. Fulton tortured me and attempted to kill me so
they could blame it on my cellies assault in the cell.

P. I did a freedom of Information act request to
Mr. Eugene Baime at the Department of Justice
to get a copy of the After Action Report (BP-E583)
and the Incident Report (BP-E586) and the
Medical Overview Report (BP-S)

Q I got a letter back from the freedom of Information
Act Request staff saying that it may be a 9 month
wait to get the Three reports.

R. The three reports should tell everything that
the C.O.'s, Lieutenant and medical filed in their
reports about the incidence on 12-8-21.

S. The phone is my witness that I told my family about
this every month. The camera outside of the shower
is my witness that both C.O.'s entered the shower
with me. So I want to subpoena the camera in F-2
Unit on 12-8-21. And I want to subpoena all of

'Attachment to page #5' #4 of #16
my phone records from USP Thomson from 12-8-21
to 8-22-22.

T. The counselor in F-2 Unit J. Graham would not give me a BP-9 Form, so I could start the Administrative Remedy Process. He told me no every time I asked him. I asked him personally or through the mail every week in every month until I left F-2 Unit for good in July or August 2022. I have three witness' that will testify that he said no every time I asked for the form's. They are Dakota Walker #25061-081 and Averill Coles #06117-007 and Domonic McDonald. I got a BP-9 form from another inmate named Rico and I sent it out through a different counselor named L. Stringer as legal mail. On 4-10-22. J. Graham gave me my response already open from the Regional Director. And he laughed in my face and said that the Director said my situation is not a sensitive matter. And he said that he is still not going to give me a BP-9 event after the region told me in the letter to file at the prison level. They gave me 10 or 20 days, to file it. I have a copy of it that I mailed home to my family. I did mail out a (SF-95) tort Claim to the region but I was not able to file the Administrative Remedy Process. So, one is not good without the other.

'Attachment to page #5' #5 of #16

U. I showed medical staff C. Bungard multiple bloody tissue's from my nose bleed's. And she said put in a sick call request. And I did, with no success. Anything related to my three assault's on 12-8-21. And I was ignored by medical.

V. I should have been seen for each one of my three separate assaults indivisually. Because they were separate from each other. One assault does not have nothing to do with the other assault. And a inmate has to be seen every time he is injured by medical. By BOP Policy.

W. C.O.D. Fulton poisoned my food on or about 5-2-22. And he caused my heart to beat irregularly for two weeks. And I had bloody stools. I went to medical and was diagnosed with a arrthymia. I had a EKG done the month before on or about 4-6-22. Mrs. K. Miller told me that my heart was okay. So, C.O. D. Fulton tortured me further. My health was getting worse. My lab records showed 7 things high and 1 thing low and 2 things I diget from being high. And I felt sick. In November I only had one thing low. 2021.

X. Now, I wrote the department of justice Office of the Inspector General two times in February 2022.

'Attachment to page #5' #6 of #16
And once more in March 2022. I wrote them
everything about what I went through there at
USP Thomson.

- Y. The Department of Justice sent some one from
there office to come and visit me for a interview
about what I been through there at Thomson USP.
The Date was on or about 6-28-22.
- Z. Now C.O.S. Madden came to my cell (F-444)
in F-4 unit. On or about 6-28-22. And she asked
me if I wanted to go on my legal visit to see
the (OIG) or (DOJ). And I said yes. C.O.
S. Madden told me that she would be back
to get me. But she never did come back. About
a week later I seen Ms. S. Madden working
my unit F-2. And I asked her why did she
not come back and get me for my visit. And
she told me that the (DOJ) changed their
mind and said they don't need me anymore.
C.O.S. Madden told the (DOJ) that I refused
the visit. She lied to a federal agent in the
mist of his investigation, of my situation. Therefore
my complaint to the (DOJ) was dismissed. I have
all of my Certified Mail Receipts and Domestic
Return Receipts inside my property.

2. Statement of Claim.

'Attachment to page #5' #7 of 16

Claim #1

C.O.D. Fulton did not report to medical that he slammed me on my head and possibly caused me to have a serious head injury. Which caused medical to not see me for my head injury or report my head injury. Then he lied inside his report of the incident. Saying that I self-dechemicalized in the shower to cover-up his torturing assault. He also would not report to medical that he poisoned my food one time giving me a heart arrhythmia. Nurse Ms. Sweeney told me that I have a heart arrhythmia on or about 5-13-22. This was clearly deliberately indifferent to my medical needs. He did nasty things to my food every time He served my food. Because I send letter out about him.

Claim #2

C.O.C. Cook came into my cell punched me unconscious. Then he assisted C.O.D. Fulton with slamming me on my head. All of which happend after he staged the whole event with my celly K. Mac; who's incident report for assault was thrown out just like C.O.C. Cook promissed. Because F-2 unit Counselor J. Graham did not (UDC) him. Just lik C.O. Cook and Fulton

'Attachment to page #5' #8 of #16 told him not to. This was clearly deliberately indifferent to my medical needs. Because he did not report the last two of my three assaults that day.

Claim #3

John Doe (Lieutenant). He told me that I was going to be seen by medical for my head injury while I was still waiting in the shower. He shot me in my face with the pepper gun multiple times while my celly was assaulting me. In the end he reported that I self-dechemicalized inside the shower. He lied in his report to cover-up for Fulton and Cook. And in doing that he ignored my medical needs. This was clearly deliberately indifferent to my medical needs.

Claim #4

Jerry Catt (Physician). He cosigned a report from C. Weirema or C. Wierema (RN) on 12-8-21. Saying that I only had one injury, and that it was my lip busted. I told him that I was slammed on my head and Knocked unconscious. And that my face was fractured. And that I have a concussion. And he saw the big Knot on my forehead and he did not report it or treat it.

'Attachment to page #5' #9 of #16
He just chose to ignore it. I told him everything. Even that I need a (MRI) CAT scan. He lied by signing the false report. And the report says that I only said that I have a busted lip. This was clearly deliberately indifferent to my medical needs.

(Claim #5)

C. Weirema or C. Wierema (RN). She walked into F-2 unit with a open needle and told me that she has to give me a TDAP shot. And she shot me in the ~~arm~~ with the needle. She said the needle is for all my wounds and cuts to hell just in case the hand cuffs cut me during my assaults. I was never cut by the hand cuffs. So there was no reason for the shot. She reported that I did not have any injuries other than a busted lip. So why did she give me a T-DAP shot? Because the needle was poisoned. And now after getting that shot all of my cuts heal very, very slow. It takes about 2 weeks for a cut to heal now. She reported in her medical file that I self-dechemicalized in the shower after the assault. But she was not there when C.O. Cook and C.O. Fulton escorted me inside the shower. The report that she made has to match C.O.D. Fulton's and C.O.C. Cook's and

'Attachment to page #5' #10 of #16 the lieutenant's report's of the dechemicalizing. By BoP Policy staff has to dechemicalize a inmate. But that's her report on file. And I have a copy of it. I mailed it home to my family. She lied to cover for C.O. Cook and C.O. D. Fulton. And I have the proof of the report. She saw the big Knot on my head. And I told her that I have a fractured face and a concussion. I asked her if I could still die from getting slammed on my head and Knocked unconscious. And she told me that I would have die with in minutes. She told me that I would be seen for my injuries to my head. And I never was seen for it. This was clearly deliberately indifferent to my medical needs.

Claim #6

Mr. Avery (Captain). He came up stairs for the first time during the first week of May 2022. I believe it was on or about 5-3-22. I was in cell F-243 in F-2 Unit. I tried to show him my bloody tissuse from my nose, but be said he did not want to see it. And he would not take a letter explaining what the C.O.'s have done to me. And that I want to do the Adminastrative Remedy Process. So I just told him and he Kept on walking.

'Attachment to page #5' #11 of #16

I also told him that I need medical help because of my head injury. And he just ignored me and walked off. This was clearly deliberately indifferent to my medical needs. The Captain is the head of security at the prison. I tried to talk to him other times but he ignored me.

Claim #7

Mr. Bergami (Warden). He came up stairs for the first on or about 5-3-22. And he stopped and talked to me. And I told him everything and gave him a letter explaining everything. And he told me that he was going to get to the bottom of my issue with the staff there at Thomson USP. He told my unit manager to make sure I get a BP-9 form. But I still didn't get one. And I told him when he came back two weeks later. And he said that he was going to handle it. I had to tell staff that I was going to commit suicide to avoid going to another cell where C.D. Fulton took me to so the inmate could assault me in cuffs again. That was on or about 5-31-22. The inmate's name was Jerome. I had to file a prea on him because he threatened to rape and kill me if I go in the cell with him. So, I saw the Warden at suicide watch and he promised me a good celly

'Attachment to page #5' #12 of #16
and I did get one. I told him my food is being poisoned
by staff at the direction of C.O.D. Fulton. And
he just kept making promissés that he could not
keep. He saw my bloody tissue's. And he promised
me that I would see the doctor. But I never seen
the doctor again. This was clearly deliberately
indifferent to my medical needs,

Claim #8

S. Madden (C.O.). She lied to federal agents
when she refused my visit from the (DOJ).
And she stopped me from getting the medical
help that I seriously need. And she put my
life in further danger by canceling the (DOJ)
investigation into my situation with C.O. Cook and
Fulton. She was covering for the C.O.'s. This was
clearly deliberately indifferent to my medical needs.
Because I told her everything that happend.

Claim #9

J. Graham (Counselor). He stopped me from getting
the medical help that I seriously need. By not
allowing me to file the administrative Remedy
Process. And he put my life in further danger by
doing so. This was clearly deliberately indifferent

'Attachment to page #5' #13 of #16
to my medical needs. And he did it to cover for
the C.O's. Cook and Fulton.

Claim #10

D. Gonzales, Jr. (Complex Warden). He did his weekly
walk through's every week just about. But he ignored
my scream's and hollar's for help by not coming up
stair's until May 2022. Then he still ignored me
after I showed him my bloody tissuse's. I told
him about the assault's by Cook and Fulton. And my
injuries and he just kept on walking. This was clearly
deliberately indifferent to my medical needs.

Claim #11

Colette Peters (F-BOP Director). She never
did anything to help my situation after I wrote
her through the Department of Justice. I have
the number to the certified mail receipt in my
property. The receipt never came back. But
counselor J. Graham told me that the letter went
out. I believe I sent the letter out in February 2022.
I explained everything that happend to me. And that
I need serious medical attention. And she did nothing.
This was clearly deliberately indifferent to my medical

'Attachment to page #5' # 14 of #16
needs.

Claim # 12

John Doe #2 (North Central Regional Director).
I wrote up a sensitive BP-9 that I got from a
inmate name Rico. And I mail it out through a
counselor name L. Stringer. I believe I mail it
out on 3-8-22. I sent it to the Director as a
sensitive complaint. And I explained to him that
C.O. Cook and Fulton tried to kill me. And all the
other staff at the prison had conspired to cover
it all up; by ignoring my medical needs and
falsifying reports. And by not allowing me to file
the Administrative Remedy Process. The Director
wrote me back saying that my complaint is not of
a sensitive nature. And to file at the same prison
the Administrative Remedy Process. Event though
I wrote him telling him that I was denied the
right to do so at the prison. This was clearly
deliberately indifferent to my medical needs.

Claim # 13

C. Bungard (RN)

I showed her my body tissues and explained

'Attachment to page #5' #15 of #16 everything that happened to her. And she said to give her a cop-out/sick Call slip. And I gave her many of them. She saw me once or twice. But she would not let me see the contracted Physician Mr. Sterett. She also informed me that other medical staff were lying in my medical reports and making false reports in my medical file. But she would not do anything about it. And when she did see me for my sick call's, it was never for my head injury. This was clearly deliberately indifferent to my medical needs.

Claim #14

T. Kirkpatrick (C.O.). He was working at the R & D on or about (8-18-22). He helped C.O. D. Woods pack out my property. They both packed two Boxes full of my property. While they were packing my property Mr. T. Kirkpatrick told me to shut the F-U-C-K up while Mr. D. Woods is counting my property. And that they do not like inmates at Thomson USP that file on staff. And he said that I will be lucky if my property follows me to the next prison. And that he will take all of my property and throw it away so I will not file on staff again. When I got to the R & D

'Attachment to page #5' #16 of #16
on 8-22-22. A unknown C.O. was change out
my clothes so I could get on the bus to transfer.
And I had legal mail that I wanted to put inside
of my property. And he said "What property."
C.O. D. Fulton help carrying me to the R&D and to
the Bus. When I got to Hazelton USP, I was
told that my property was not there. I asked
again almost two months later and it still was not
there at the prison. C.O. T. Kirkpatrick has stolen my
legal documents and evidence for this Civil Action
case. Which can play a big part as to whether
or not I win this case. He destroyed evidence.
This was clearly deliberately indifferent to my
medical needs.

Last Statment.

The factual contentions have evidentiary support
or, if specifically so identified, will likely have
evidentiary support after a reasonable opportunity
for further investigation or discovery.

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

'See Attachment' one page.

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 29 day of November, 20 22

Christopher Kincaid
(Signature of plaintiff or plaintiffs)

Christopher Kincaid
(Print name)

36292-007
(I.D. Number)

Federal Transfer Center

P.O. Box 898801

OKlahoma, City, OK. 73189-8801
(Address)

V. Relief: 'Attachment to Page # 6' one page

1. Five Million Dollar's Cash, \$5,000,000, in actual damages and Five Hundred Thousand Dollar's Cash, \$500,000, in punitive damages.
2. Injunction, that all staff involved be remanded.
3. Injunction, that the F.B.I. get involved and investigate all staff that did crimes and harmed me.
4. Injunction, to be sent to a prison yard for sex offender's. So my life will not be in danger anymore because of my charges.
5. Injunction, to stop staff at Thomson USP from calling other prison's and telling them to stage fight's with me and other inmates, And telling them to poison my food. To stop all FBOP retaliation.
6. Injunction, to go to a outside Doctor, and get a (MRI) CAT scan done. So I can get properly diagnosed. And to get full Lab Work done also.